IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 320 OF 2005

Shri Bhausaheb Shankar Padekar
and Others. ..... Appellants.

V/s

Special Land Acquisition
Officer No.6, Kolhapur
and others. ..... Respondents.

Mr. A.V. Anturkar, Senior Advocate i/b Mrs. Vinita Bakre-Shastry for appellants.

Mr. Amit Borkar for Respondent Nos. 2(A) to 11.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATE : 19th November, 2007.

P.C.:

1. By consent of parties, appeal is disposed of in following terms.

2. The dispute between the parties is in relation to Gat No.81 admeasruing 89.8R plus 34R Potkharaba situated at village Zulpewadi. According to appellants, they have become owners of the land because of provisions of Bombay

Tenancy and Agricultural Lands Act, 1948. According to respondents, appellants have lost before the two tenancy courts and, therefore, their claim cannot be accepted.

3. It is a common ground before us that, presently, revision filed by appellants before the Maharathra Revenue Tribunal is pending. It is also a common ground that the amount of compensation is lying in deposit with the Additional District Judge, Gadhinglaj. As, before the MRT, the land is the subject matter of dispute and the amount which is lying in deposit represents the value of the land, the MRT will have jurisdiction to make appropriate orders in relation to the disbursal of the money which is lying as compensation for the land while revision is pending before it, as also at the final disposal of the revision and, therefore, in our view, following order would meet the ends of justice.

4. In case, appellants secure appropriate orders in relation to the amount from the MRT, the disbursal of the amount lying in deposit with the Additional District Judge, Gadhinglaj shall be governed by the orders that may be

passed by the MRT. In case, no such orders are obtained by appellants within a period of 12 weeks from today, the Additional District Judge, Gadhinglaj shall permit respondents to withdraw the amount.

5. Appeal is disposed of. In view of disposal of appeal, Civil Application Nos. 730 of 2005 and 799 of 2006 do not survive and the same are also disposed of.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)